

1 I don't know.

2 Q The width of the dam at the base after it was
3 constructed was about the width of this room,
4 is that right?

5 A You mean the main part of the hollow?

6 Q Yes.

7 A I don't remember, but it was about the width of
8 this room.

9 Q How long was this dam, this pond dam on Olen
10 Burrage's place?

11 A Well, I never did check it but I would say it
12 is about 300 feet.

13 Q Three hundred feet long, now, how high?

14 A Oh, eighteen feet, I think. Eighteen feet.

15 Q Eighteen feet and it built up about 3 feet that
16 morning?

17 A I would say that.

18 Q So by the time you got the dam constructed several
19 months later, you piled another fourteen or fifteen
20 feet of dirt on it, huh?

21 A When I got through with it yes.

22 Q Well, how long did it take you to get through with
23 it?

24 A I don't know. It rained and it got wet in there
25 and I had to move out and leave it, and went back

later and finished it. I would say thirty days from then, maybe forty-five before I got through with it.

Q Let me ask you this. Did you know how high that dam was going to grow to, did you have a contract to know how high to finish it?

A I did.

Q What was the contract term with respect to the height of the dam?

A I don't remember just how it was worded, but I believe it was fourteen or fifteen foot. I don't remember exactly, its been a long time.

Q Is that the way you do when you build a pond dam fourteen or fifteen foot deep to hold water?

A When you are as good friends as me and Olen was I think that would be good enough. I built a lot of them like that.

Q So that you knew and Olen Burrage knew that that dam was going to go up to fourteen feet?

A Well, I knew if I lived and was able to put it there I was going to put it there.

Q When did you finish the pond dam?

A I don't remember. I said approximately thirty or forty-five days later, I don't remember.

Q Did you ever receive after June the 21st any

1 money from Sam Bowers?

2 A. I did not.

3 Q. Do you know Sam Bowers?

4 A. I do now, I did not then.

5 BY THE COURT:

6 Was there anything that made you remember this
7 particular date, June the 21st?

8 BY THE WITNESS:

9 Yes sir.

10 BY THE COURT:

11 What was that?

12 BY THE WITNESS:

13 I've been questioned by the F. B. I. so many times----

14 BY THE COURT:

15 I don't care about you being questioned by the F. B. I.

16 Just answer my question.

17 BY THE WITNESS:

18 My wife's dad was sick and he died the next night.

19 BY THE COURT:

20 On the 22nd?

21 BY THE WITNESS:

22 Yes sir. He died in the Veterans Hospital and you
23 can check the record.

24 BY THE COURT:

25 Then you can peg this date in your mind by something

very important happening to you?

THE WITNESS:

Yes sir.

THE COURT:

Can you tell us what position your equipment was when you arrived on the job on the 22nd of June?

THE WITNESS:

On the 22nd?

THE COURT:

Yes sir.

THE WITNESS:

One of them was running, and the other one was left where I had left it the day before.

THE COURT:

Was the pieces of equipment exactly where you left them and as you left them on the 21st?

THE WITNESS:

No sir, one of them was running. The other one was sitting where I left it, or approximately where I left it.

THE COURT:

You mean the engine was running?

THE WITNESS:

Yes sir it was running. A man was pushing dirt with it.

THE COURT:

1 I see. Then, I assume from what you say, someone
2 had started using the equipment by the time you got
3 out there the next morning is that correct?

4 BY THE WITNESS:

5 Yes sir.

6 BY THE COURT:

7 All right.

8 BY MR. DOAR:

9 Q Was anything said to you about your equipment
10 having been moved?

11 A It was not.

12 Q Thank you.

13 BY THE COURT:

14 Anything further gentlemen?

15 ALL COUNSEL:

16 No sir.

17 (Whereupon witness excused)

18 HOYT R. STEPP, called as a witness for and on behalf
19 of derendants, was sworn and testified as follows:

20 BY MR. ALFORD:

DIRECT EXAMINATION

21 Q Would you state your name, please?

22 A Hoyt R. Stepp.

23 Q Where do you live Mr. Stepp?

24 A Philadelphia, Mississippi.

25 Q And how old are you?

A Thirty eight.

ay, someone

time you got

rect?

: equipment

and on behalf

as follows:

Q And where do you live with reference to Philadelphia, Mississippi, sir?

A I live on Highway 21.

Q In what direction from Philadelphia on Highway 21?

A South.

Q South? About how far from town do you live?

A Five and a half mile.

Q Do you know Mr. Olen Burrage?

A I do.

Q How long have you known him?

A Since 1956.

Q Since 1956, and is he here in the courtroom?

A He's the fourth man sitting there.

Q How far do you live from him, or did you live from him on June the 21st, 1964?

A About a half a mile.

Q What church do you belong to?

A Fellowship Baptist Church.

Q And what church does Mr. Burrage belong to?

A Fellowship Baptist Church.

Q I would like to direct your attention to the day of June the 21st, 1964 and ask you if on that day did you have an occasion to see Mr. Burrage?

A I did.

Q And where and what circumstances did you see Mr.

1 Burrage on that day?

2 A We, uh, I had been trying to lease a truck to Mr.
3 Olen Burrage to pull a trailer for him on short
4 hauls and at that time he didn't know for sure
5 if he had enough hauling to keep the trucks that
6 he had busy.

7 Q Did you talk to him about it on that occasion?

8 A I talked to him after church, uh, he had----

9 Q Let me interrupt you there, if I may. This
10 church service that you attended, was it in the
11 day time or night time?

12 A It was in the afternoon. Church services started
13 at 6:30, I believe.

14 Q And about what time was it over?

15 A Around eight, maybe five after eight.

16 Q And did you see Mr. Burrage at this service?

17 A I did.

18 Q Did you attend the service?

19 A I did.

20 Q When did you talk to him about this truck business
21 on this date?

22 A Just after the services?

23 Q About what time would you say it was?

24 A About eight fifteen.

25 Q And what did that conversation consist of? What

did you all talk about?

A Well uh,---

BY MR. HAUBERG:

Object to that, if the Court please.

BY THE COURT:

I don't see the relevancy of that, sustained.

BY MR. ALFORD:

Q Was this conversation interrupted by anything at that time?

A Yes sir.

Q What happened?

A He was going toward his house leaving the church and was going toward his house, and I had called him back from the front of the church, he had already gotten out in the highway across from his house, and he came back and talked to me just a minute there, and somebody told him he had a telephone call.

BY MR. HAUBERG:

We object to that.

BY THE COURT:

Overruled.

BY MR. ALFORD:

Q The Judge says you may answer.

1 BY THE COURT:

2 Don't tell us what the call was, I just overruled
3 it as to what you had already told us.

4 BY MR. ALFORD:

5 Q And did he leave you there?

6 A He left me and said he would talk to me later.

7 Q And about how much later did he talk to you?

8 A Well, I told him I would take the family on to
9 the house and uh, talk to him after he found out
10 what his phone call was about.

11 Q Well, what did you do then?

12 A I tried to call him and I couldn't get him by
13 telephone, and uh, I went to his house.

14 Q When did you go back to his house, Mr. Stepp?

15 A About nine-thirty.

16 Q Did you see Mr. Burrage there at that time?

17 A No sir, I didn't.

18 Q When did you see him?

19 A It was about ten minutes later. He had went after
20 his wife's sister in town, in Philadelphia.
21 Did

21 Q ~~HEX~~ you see him drive up?

22 A Yes sir.

23 Q Who was in the car with him?

24 A His wife and his wife's sister, and he was in the
25 car.

Q Did he get out of the car?

A Yes sir.

Q Did Mr. Burrage talk to you?

A Yes sir.

BY MR. HAUBERG:

If it please the Court, we object to leading.

BY THE COURT:

I'll sustain the objection. You may rephrase your question.

BY MR. ALFORD:

Q Did you have a conversation with Mr. Burrage after he got out of the car?

A Yes sir.

Q And what was this conversation about?

BY MR. HAUBERG:

If it please the Court, we are going to object to any conversation.

BY THE COURT:

Yes, I'll sustain the objection.

BY MR. ALFORD:

Q On the night, uh, and was this on the night of June 21st, 1964?

BY MR. HAUBERG:

We object again, he's leading his witness.

BY THE COURT:

1 Overruled.

2 BY MR. ALFORD:

3 Q And where were you working at that time, in the
4 day time?

5 A I was working in the Delta.

6 Q What were you doing?

7 A Short logging, pulpwood.

8 Q And did you or not desire to leave a truck with
9 Mr. Burrage?

10 BY MR. HAUBERG:

11 We object, Your Honor, we don't see the relevancy.

12 BY THE COURT:

13 Yes, I'll sustain the objection.

14 BY MR. ALFORD:

15 Q What did you desire to, uh, what business dealing
16 did you desire to do, which was the subject of
17 your conversation that night?

18 A Well I wanted to get out of the pulpwood business
19 and lease a truck to Mr. Olen Burrage in order to
20 haul on a short haul where I could be at home more.

21 Q And that's all you talked to him about?

22 A That night?

23 Q That night. How long did you talk to him?

24 A It was about ten or fifteen minutes after ten.

25 Q Did you see anything out of the way at his house

that night?

A No sir.

Q Just a minute, Your Honor. I believe that's all.

THE COURT:

All right, any further questions from any of defense Counsel?

(Receiving no answer) The Government may cross-examine.

CROSS EXAMINATION

MR. HAUBERG:

I don't believe we have any questions, Your Honor.

THE COURT:

All right you may stand aside.

MR. ALFORD:

If the Court please, it may be a little early for the Court to take a recess, we have a number of witnesses and we need a little time to kinda get them organized.

THE COURT:

You had rather take a recess now than a little bit later?

MR. ALFORD:

Yes sir, so we could get our witnesses organized.

THE COURT:

Our plans have been arranged for six o'clock, you don't have a witness that you could put on now?

1 BY MR. ALFORD:

2 No sir. Just a minute, Your Honor. (Counsel for
+ 3 defendants confer) Your Honor, Mr. Watkins says
4 he can do something now.

+ 5 BY THE COURT:

6 Well, let's do that then, because arrangements have
7 been made for the Jury at six o'clock, so I'll let
8 Mr. Watkins proceed then. That was my purpose in
9 having my meeting with you gentlemen back in chambers
10 yesterday, to kinda alert you as to the arrangements
11 that I had worked out and I consider you as being
12 alerted, and I'm not going to stop during the trial
+ 13 to let you go out and get your witnesses lined up.
14 That's what you are supposed to have done when you
+ 15 announce ready for trial.

16 BY MR. HENDRICKS:

17 Your Honor, we haven't had much time, we've been
18 starting early and going late, and we didn't know
19 exactly when the Government was going to rest.

20 BY THE COURT:

21 Well, lawyers do have their problems but that is one
22 reason they are so well paid. Let's go gentlemen.
23 GEORGE B. GESTNER, called as a witness for and on
24 behalf of defendants, was sworn and testified as
25 follows:

DIRECT EXAMINATION

BY MR. WATKINS:

Q State your name for the record, please?

A George B. Gestner.

Q Where do you live, Mr. Gestner.

A 2920 Grandview Avenue, Meridian.

Q How many years have you lived in Lauderdale County?

A Thirty-two years.

Q What affiliation do you have in Lauderdale County with civic or fraternal orders in this county?

A I believe to several Masonic Orders and belong to the Eastern Star.

Q Name some of the Masonic Orders that you belong to?

A I----

BY MR. HAUBERG:

We object to that, Your Honor, we don't think it is material.

BY THE COURT:

I'll sustain the objection.

BY MR. WATKINS:

Q What position do you hold at this time?

A I am Secretary of the Scottish Rite Masonic

Bodies.

BY MR. HAUBERG:

We object to that, if the Court please.

BY MR. WATKINS:

Your Honor, please, in order for this man to know the reputation of anyone I would have to show that he is associated in the County with people.

BY THE COURT:

I understand that, but you are not entitled to bring his testimony, so I'll sustain the objection.

BY MR. WATKINS:

Q What is your employment at this time?

A I am Secretary of a Fraternal Order.

Q And how long have you been secretary?

A Oh, about five years.

Q Do you know Mr. Travis Barnett?

A I do.

Q How many years have you known Travis Barnett?

A About four or five years.

Q Have you known him here in Lauderdale County, Mississippi?

A I have.

Q Have you known him here in Meridian, Mississippi?

A I have.

Q Is that the community in which he lives?

A I presume so, I've seen him here.

BY MR. HAUBERG:

We object to his presuming.

BY THE COURT:

Sustain the objection.

BY MR. WATKINS:

Q Within Lauderdale County and Meridian, Mississippi have you seen and talked to Travis Barnett, and talk to and known others who have known him in this county?

A I have.

Q I ask you sir, if you know his general reputation in Lauderdale County and Meridian, Mississippi?

A All I know----

Q Just a minute, for peace and violence and as a law abiding citizen?

BY MR. HAUBERG:

We object to that, if the Court please, he hasn't stated that he knows Travis Barnett lives in Meridian.

BY THE COURT:

I sustain the objection, he hasn't shown that he knows the community in which he lives yet.

BY THE WITNESS:

According to the records that I have here---

BY THE COURT:

1 Just let him ask you questions, go along Counsel.

2 BY MR. WATKINS:

3 Q I just ask you whether or not you know him to be
4 a resident citizen of Lauderdale County?

5 A According to my records he is, yes.

6 Q Now, I repeat the question that I asked you pre-
7 viously, do you know his general reputation in
8 Lauderdale County for peace and violence and as
9 a law abiding citizen in that County?

10 A All I know of him--

11 Q Just answer me do you or do you not?

12 A Yes.

13 Q Is it good or bad?

14 A Good.

15 BY MR. WEIR:

16 Q Mr. Gestner, did you say you belonged to certain
17 fraternal orders?

18 A Yes.

19 Q What Masonic Orders is it that you belong to?

20 BY MR. HAUBERG:

21 We object to that, if the Court please.

22 BY THE COURT:

23 Sustained.

24 BY MR. WEIR:

25 May I ask a question to see if it is competent or not,

Your Honor?

BY THE COURT:

Go along.

BY MR. WEIR:

Yes sir.

Q Do you know whether or not Reverend Edgar Ray Killen is a member of any Masonic Orders which you belong?

BY MR. HAUBERG:

We object.

BY THE COURT:

I'll let him answer.

BY THE WITNESS:

A I do.

Q Is he a Master Mason?

BY MR. HAUBERG:

We object to Counsel leading.

BY THE COURT:

Yes, sustain the objection.

BY MR. WEIR:

Q Is he a member of the same Masonic Order that you are a member of.

BY MR. HAUBERG:

We object to that.

BY THE COURT:

1 I'll overrule that.

2 BY MR. WEIR:

3 Q Is he?

4 A He is.

5 Q A brother Mason?

6 A Yes.

7 Q Are you a member of the Shriner, which is a
8 higher degree?

9 BY MR. HAUBERG:

10 We object to that.

11 BY THE COURT:

12 I'll sustain the objection.

13 BY MR. WEIR:

14 Q Did you say whether or not you are a member of
15 the Order of the Eastern Star?

16 BY MR. HAUBERG:

17 Now, we object to that.

18 BY THE COURT:

19 Sustained.

20 BY MR. WEIR:

21 I believe that's all, Your Honor, thank you.

22 BY MR. HAUBERG: CROSS EXAMINATION

23 Q I don't believe I got your name, please sir?

24 A George B. Gestner.

25 Q Mr. Gestner, I believe you testified that you

only knew Mr. Travis Barnett from your records?

A. No, I didn't say that. I said I knew him personally and that my records showed that he is a resident of Lauderdale County.

Q. Well, do you, of your own personal knowledge, know that he lives in Lauderdale County?

A. I've never been in his home but I have records showing that he lives in Lauderdale County.

Q. And you say you know his general reputation?

A. Yes.

Q. Have you heard it discussed?

A. Yes.

Q. Who have you heard it discussed by?

A. I discussed it with someone else.

Q. Who have you heard it discussed by name, not yourself and some other person.

A. I don't recall any names.

Q. As you sit there now, you can't tell this jury a single person.

A. I can tell the jury a single person that I discussed it with, yes.

Q. I am asking you if you have heard any other person other than yourself discuss Travis Barnett's reputation?

A. Yes.

1 Q Can you name him?

2 A Yes.

3 Q What is his name?

4 A Hugh Hartzog, for one.

5 Q You couldn't think of his name a little while ago?

6 A Yes, I could, but the way your question was framed
7 I didn't think you wanted me to name him.

8 Q Now did you know that Travis Barnett was a member
9 of the Klan?

10 A No, I did not.

11 Q Had you heard that?

12 A Not specifically, no sir.

13 Q Well when you say not specifically, can you give
14 us some explanation?

15 BY MR. WATKINS:

16 Having heard won't make him have a bad reputation,
17 Your Honor.

18 BY THE COURT:

19 Well, we won't argue that, but I'll let him answer.

20 BY THE WITNESS:

21 A The implication was that he was a member of the
22 Klan when this article regarding him appeared in
23 the newspaper.

24 Q But you say you have ~~no personal~~ knowledge of this?

25 A None whatsoever.

BY

Q If you had known that, would that have made any difference in your opinion of his reputation statement?

A I don't know, I wouldn't be a member of it myself, but I have no right to pass judgment on anyone else.

Q Now, since you did hear that, I'll ask you if you know what the word reputation mean?

A Yes, I think I do.

Q Have you heard his reputation discussed after you learned that he was a member of the Klan?

A I never did learn that he was a member of the Klan, I didn't testify that he was was.

Q I believe you said you heard he was.

A No sir, I said through the newspaper accounts the implication was there, but I never heard that he was a member of the Klan.

Q You never heard anyone express anything to the effect that he was a member of the Klan?

A No, no one ever told me that he was a member of the Klan, no sir.

Q But you have read it in the newspaper?

A The implication was there from newspaper accounts.

Q Well, did you see it yourself, in the newspaper or not?

MR. WATKINS:

1 From his own statement, Your Honor, he has already
2 answered the question.

3 BY THE COURT:

4 I think he can answer.

5 BY THE WITNESS:

6 A Not the actual statement that he was a member of
7 the Klan.

8 Q I think that's all.

9 BY MR. WATKINS:

10 May this witness be finally excused?

11 BY THE COURT:

12 Yes sir.

13 (Whereupon witness finally excused.)

14 FREDA HALL, called as a witness for and on behalf
15 of Defendants, was sworn and testified as follows:

16 BY MR. GOLDMAN: DIRECT EXAMINATION

17 Q State your name, please?

18 A Mrs. Freda Hall.

19 Q Mrs. Hall, where do you live?

20 A 2534 40th Avenue, Meridian, Mississippi.

21 Q Do you know Travis Barnett?

22 A Yes, I do.

23 Q Do you recall whether or not you saw him on June
24 the 21st, 1964?

25 A Yes, I do.

Q Would you tell the Court and Jury where you were that day?

A We were at a friend's camp, close to Demopolis Alabama.

Q What were you doing over there?

A Fishing.

Q Did you return to Meridian that day?

A Yes, we did.

Q Tell us what time, approximately it was in the afternoon that you returned to Meridian?

A Early in the afternoon between 2:30 and 3:00 o'clock, or thereabouts.

Q Whose home did you return to in Meridian?

BY MR. HAUBERG:

We object to leading.

BY THE COURT:

Overruled.

BY MR. GOLDMAN:

Q You may answer.

A Travis'

Q Travis Barnett?

A Yes.

Q And how long did you remain at his house?

A Until approximately 10:00 o'clock that night.

Q What were you doing over there?

1 A Working in our garden, picking beans and peas,
2 snap beans, etc.

3 Q I ask you first how you remember this particular
4 occasion and the date?

5 A I happened to buy fishing license for this trip
6 and I have it with me if you would like to see it.

7 Q All right. Where did you buy this license?

8 A I believe it's call the Cotton Patch, just before
9 you turn off on the road to Demopolis.

10 Q And from the time that you went home that night,
11 after you left Mr. Barnett's house, what made
12 you remember the time?

13 A Because my children were real anxious to see
14 Banaza and we got home after that comes on and
15 it comes on T. V. about 10:00 o'clock.

16 Q And how long does it take you to drive from Mr.
17 Barnett's house to your home?

18 A Approximately ten minutes, I figure.

19 Q All right. We offer this fishing license into
20 evidence, Your Honor.

21 BY THE COURT:

22 All right, it may be marked.

23 BY MR. HAUBERG:

24 We object to that, if the Court please, because it
25 shows June the 20th, 1964.

I'll let it be entered and marked.

(Whereupon exhibit entered into evidence and marked
D-9)

BY MR. GOLDMAN:

Q Tell the Court when you left to go on your
fishing trip?

A Saturday afternoon, late Saturday afternoon and
we spent the night at the camp there.

Q All right.

Q And was anyone else with you besides Travis Barnett?

A His wife and my husband, and my two children and
Travis' one child.

Q All right, do you recall anything about an illness?

A I surely do. Barbara taken very sick that week-
end, which is Travis' child.

Q All right, whose child did you say?

A Travis and Evangeline Barnett's child.

Q All right. That's all the questions we have, Your
Honor.

CROSS EXAMINATION

BY MR. HAUBERG:

Q Mrs. Hall, did you drive over there to the fishing
camp?

A Yes, we did.

Q What time did you say you left, I believe you said

1 you left on Saturday afternoon?

2 A I'll say around 1:00 o'clock on Saturday afternoon.

3 Q But you got back to Meridian around 2:00 o'clock
4 on Sunday afternoon?

5 A Thereabout.

6 Q And you say you were out working in the garden?

7 A We had a garden together, with Travis and His wife,
8 at Travis' home, and we went there to work in our
9 garden.

10 Q And you say the little child was sick?

11 A Yes sir.

12 Q Who was looking after the little sick child?

13 A Evangeline, his wife, Travis' wife.

14 Q And what was Travis doing?

15 A He was in the garden with us.

16 Q How long did he stay in the garden?

17 A Until it got dark enough that we had to come in
18 and shell peas.

19 Q And so, after you got to the garden he stayed there
20 in the garden with you from 2:00 o'clock until
21 dark.

22 A Approximately.

23 Q And he didn't go see about his child?

24 A Well, he could have gone to the house because
25 just a
 the garden is/short distance from the house.

Q. But you couldn't say that he was there all that time?

A. I couldn't say exactly, but I would say I feel like he was there most of the time.

Q. I'm not asking what you feel like but what you actually know. Did you see him every minute of the time from 2:00 o'clock until dark?

A. Yes sir, I did.

Q. Well just a few minutes ago I thought you said, and I might have misunderstood you, but I thought you said he might have gone into the house?

A. He did not leave in his car, he was there in his car which is on the same premises.

Q. If he left you in the garden and went into the house, how could you see him?

A. Well it was adjoining the house there.

Q. Did you see him when he went into the house?

A. No sir, I did not.

Q. Do you say that he did go into the house?

A. I couldn't say of my knowledge that he did go into the house, no sir.

Q. So then, you don't want this jury to believe that he stayed right there in the garden with you from 2:00 o'clock until dark.

BY MR. WATKINS:

1 We object, Your Honor, ---

2 BY THE COURT:

3 Yes, I'll sustain the objection, you may re-
4 phrase your question.

5 BY MR. HAUBERG:

6 Q Would you say he stayed until you finished there
7 in the garden until dark?

8 A Yes sir.

9 Q And that he didn't go into the house at all?

10 A No sir, I don't say that.

11 Q But you do say that is the truth?

12 A Yes sir.

13 Q That's all.

14 (Whereupon witness excused)

15 ROBERT HALL, called as a witness for and on behalf
16 of defendants, was sworn and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. GOLDMAN:

19 Q State your name for the Court and jury, please?

20 A Robert Hall.

21 Q Where do you live, Mr. Hall?

22 A 2435 40th Avenue.

23 Q Do you know Travis Barnett?

24 A Yes sir.

25 Q How long have you known him?

1 A Oh, I would say eight or ten years.

2 Q What's your wife's name?

3 A Freda.

4 Q I offer you defendant's exhibit number, Mr.

5 Miller, will you hand that to me please? I

6 hand you defendant's exhibit number 9 and ask

7 you if you were with your wife when she purchased
8 this fishing licsne?

9 A I was.

10 Q Now, will you tell the Court and Jury who else
11 was with you on that occasion?

12 A Travis Barnett, his wife and kids.

13 Q All right, now on June the 21st, were you still
14 in the company of these people?

15 A I were.

16 Q And what did you do the afternoon of June the 21st
17 1964?

18 A We were out in the garden together out at this
19 place of his at this time.

20 Q What were you doing?

21 A Well we worked in the garden and we come out from
22 the garden and we got some vegetables from the
23 garden and sat around the house and just talked
24 the rest of the afternoon.

25 Q Did you shell any peas?

1 A We shelled some peas.

2 Q All right, how long did you stay there at Mr.
3 Barnett's house?

4 A I would say close to ten o'clock.

5 Q Did any specific thing, other than your discussing
6 your fishing trip, reminds you of when you went
7 home that evening?

8 A You mean the argument we had over there, you mean?

9 Q No, when you left Mr. Barnett's did anything
10 call it to your memory that you left his house
11 around 10:00 o'clock that evening of June the 21st?

12 A Well, other than being out that week end together
13 and having our families together on that fishing
14 trip.

15 Q All right. Do you have any recollection of your
16 children wanting to see a television program that
17 night?

18 A Banaza was on when we got home. They wanted to
19 see Banaza, and I like to watch it myself.

20 Q Was that on when you got home?

21 A About the time we got home.

22 Q And do you know about what time it comes on?

23 A Ten o'clock.

24 Q Thank you. That's all we have.

25 CROSS EXAMINATION

BY MR. HAUBERG:

Q Mr. Hall, what kind of business are you in?

A I'm a mechanic, sir.

Q And where do you work?

A I work with Harold Hawkins garage.

Q Do you know what kind of business Travis Barnett was in on June the 21st, 1964?

A He also had a garage.

Q Did he help you?

A I was working with him at the time.

Q You and Travis Barnett are very good friends?

A Yes sir.

Q Did you stay there at his house, you say, until after 10:00 o'clock?

A No sir, I didn't stay there after ten, I said it must have been close to ten.

Q Now, were you in the garden that afternoon?

A Yes sir.

Q Did you have a little sick boy or child?

A Travis had a sick girl, yes sir.

Q How many times did he go in the house to look after his little child?

A Well, I don't remember the number of times he went in there to see about his kid.

Q Did he go in there one time or five times?

1 A I don't know, he was in the house with his wife
2 taking care of his kid when we got there.

3 Q Well, he got to the house before you and your wife
4 got there?

5 A That's right.

6 Q And about how long was it that you saw him, how
7 long before that time was it that you saw him
8 at the fishing camp?

9 A Oh, I'd say approximately fifteen minutes.

10 Q Then it only takes about fifteen minutes to come
11 from the fishing camp?

12 A Oh, no sir, we come together, he was in his car
13 and I was in mine, we come along together.

14 Q But when you got there he was in the house?

15 A Yes sir.

16 Q And he was looking after his sick child?

17 A Yes sir.

18 Q And that's what he did that afternoon?

19 A Yes sir.

20 Q Have you talked with anybody about this case?

21 A Have I talked with anybody about it?

22 Q Yes sir.

23 A No sir.

24 Q You haven't talked to a single person about your
25 testimony here today?

Q Have you talked to any lawyers about it?

A None other than Mr. Goldman.

Q So you have talked to someone about it, haven't you?

BY MR. BUCKLEY:

If it please the Court, I object to that line of questioning. Everyone knows the lawyers talk to their witnesses.

BY THE COURT:

Overruled.

BY MR. HAUBERG:

Q So you have talked to a lawyer about it?

A That's right.

Q That's all.

(Whereupon witness excused)

BY THE COURT:

All right, Members of the Jury, we will take a recess until 6:30. I can provide food for you by keeping you together so I'm asking the Marshal to keep you together and carry you to supper together. We'll take a recess Members of the Jury until 6:30 with the same understanding we have had.

(Whereupon the Court took a recess at 6:00 o'clock P. M.)

AFTER RECESS:

1 A. R. DENNIS, called as a witness for and on behalf
2 of Defendants, was sworn and testified as follows:

3 BY MR. WATKINS:

4 DIRECT EXAMINATION

5 Q What is your name, please sir?

6 A A. R. Dennis.

7 Q Where do you live, Mr. Dennis?

8 A 8294 6th Avenue.

9 Q How long have you lived there?

10 A Twenty-eight years.

11 Q Did you know Travis Barnett?

12 A Yes sir.

13 Q How many years have you been knowing Mr. Barnett?

14 A Well, he was in business right across the street
15 from me for about five years.

16 Q All right sir, have you seen him lately?

17 A Yes sir.

18 Q I ask you sir, if you know his reputation in
19 Meridian and Lauderdale County, Mississippi, the
20 community in which he lives, for peace or violence
21 or as a law abiding citizen?

22 A Yes sir.

23 Q Is it good or bad?

24 A His general reputation is good.

25 Q That's all.

on behalf
follows:

BY THE COURT:

All right.

CROSS EXAMINATION

BY MR. HAUBERG:

Q Mr. Dennis, do you know what Reputation means?

A I think I do.

Q Have you heard his reputation discussed?

A I have heard people comment on him being a fair dealer.

Q You haven't heard anybody comment on his peace and violence, have you?

A I never heard of anything else.

Q And you have never heard it discussed as to his law abiding qualities, have you?

A I've never heard it been refuted or anything.

Q I didn't ask you that, will you just answer my question, have you ever heard it discussed anything about him being law abiding?

A Well, I don't recall specifically.

Q So your testimony is that you just haven't ever heard his reputation discussed, have you?

A I've never heard anything against him.

Q But my question was, and I believe you said you have heard nothing against him, but have you heard his reputation discussed or not?

Mr. Barnett?
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ce or violence

1 A Well it's just hard to recall a conversation.

2 Q So right now you can't recall anyone discussing
3 his reputation?

4 A I can recall people looking for him there and
5 making mention that he was a fair and reliable
6 person.

7 Q Well, I didn't ask you about reliability, I asked
8 you about something else, but you have heard of
9 his reliability, but nothing about the other
10 matter I've just mentioned to you?

11 A I've never heard anything about him.

12 Q You've heard about the time he got involved in this
13 situation here, didn't you?

14 A Oh yes, everybody heard that, that read the papers.

15 Q But you did hear about it?

16 A Yes sir.

17 Q I believe that's all.

18 (Whereupon witness excused)

19 HAROLD DEEN, called as a witness for and on behalf
20 of Defendants, was sworn and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. WATKINS:

23 Q State your name for the record, please?

24 A Harold Deen.

25 Q Where do you live sir?

A Duffie.

Q What county is that in, please sir?

A Newton.

Q Do you know Jimmy Arledge?

A I do.

Q How many years have you been knowing Jimmy Arledge?

A All my life.

Q Do you know where he lives?

A 65th Avenue, Meridian.

Q What county is that?

A Lauderdale.

Q And how many years have you known him?

A All my life.

Q All your life. Do you know his general reputation in the community in which he lives?

A I do.

Q Just a minute. In the community in which he lives for peace or violence or law abiding citizen?

Do you?

A I do.

Q Is it good or bad?

A It's good.

CROSS EXAMINATION

BY MR. HAUBERG:

Q What business are you engaged in?

- 1 A Pardon?
- 2 Q What business are you engaged in?
- 3 A Truck driver.
- 4 Q Do you know what kind of business Jimmy Arledge
- 5 is in?
- 6 A Steel work.
- 7 Q And in your truck driving, do you travel around a
- 8 good bit?
- 9 A I do.
- 10 Q Are you out of town a good bit?
- 11 A In the day time.
- 12 Q Were you raise with Jimmy Arledge?
- 13 A We went to school together.
- 14 Q And you are good friends?
- 15 A I would say we were.
- 16 Q Have you heard his reputation discussed?
- 17 A Yes.
- 18 Q Can you name me anyone who has discussed his
- 19 reputation?
- 20 A Different ones.
- 21 Q Could you name me one individual?
- 22 A Roger Rush.
- 23 Q Have there been others?
- 24 A Not that I can remember, we've talked about it.
- 25 Q Do you recall when he got involved in this

situation that he's on trial for now?

A I read about it.

Q And since that time have you talked with him about it?

A No, not really.

Q Have you seen him since that happened?

A Oh, yes.

Q Have you heard any discussion of it since you found out about it?

A Well, its' been in the papers and I've read about it.

Q Have you heard any discussion about his reputation since you read about it?

A Nothing bad.

Q I ask you if you have heard it discussed?

A Not really, I don't reckon.

Q You really haven't heard it discussed?

A No sir.

Q Have you talked to anyone about your testimony here today?

A I talked to the lawyers.

Q Anyone else?

A No sir.

Q That's all.

(Whereupon witness excused)

1 MASON ALEXANDER, called as a witness for and on behalf
2 of Defendants, was sworn and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WATKINS:

5 Q State your name please?

6 A Mason Alexander.

7 Q Do you know Jimmy Arledge?

8 A I do.

9 Q Do you know what county he lives in?

10 A He lives in Lauderdale County.

11 Q How many years have you been knowing him?

12 A I've been knowing him all my life, rather all
13 his life.

14 Q Do you know his general reputation in Lauderdale
15 County and peace and violence?

16 A I do.

17 Q Is it good or bad?

18 A Good.

19 CROSS EXAMINATION

20 BY MR. HAUBERG:

21 Q Is your name Alexander?

22 A Yes sir.

23 Q What is your business?

24 A I'm retired. I own a farm out from Newton County.

25 Q Before you retired, what did you do?

A. Run a cafe.

Q. Here in Meridian?

A. Yes sir.

Q. About how far out is your farm located?

A. About twenty-five west.

Q. How often do you get into Meridian now?

A. Oh, every day or so.

Q. Do you see Jimmy Arledge every few days?

A. Well yes sir, I see him pretty often.

Q. Now, you say his reputation is good. Have you heard anyone discuss it?

A. No, but I've had several tell me he's a mighty good boy.

Q. But you can't say right now whether or not anyone ever discussed his reputation?

A. Well no, nothing more than just talking. We would be talking about him and his family and they would talk about what a good boy he was, what a good record he had.

Q. Now, do you recall about the time he got involved in this situation?

A. Sir?

Q. Do you recall about the time he got involved in this situation that he is on trial for here?

A. Well, I remember when he got involved with it.

1 Q Have you heard anyone talk about his reputation
2 since that time?

3 A No, I haven't.

4 (Whereupon witness excused)

5 PAUL GRICE, called as a witness for and on behalf of
6 Defendants, was sworn and testified as folbws:

7 DIRECT EXAMINATION

8 BY MR. WATKINS:

9 Q What is your name, please?

10 A Paul Grice.

11 Q Where do you live, Mr. Grice?

12 A 717 Waterview Avenue.

13 Q In Meridian?

14 A Yes sir, Meridian, Mississippi.

15 Q Do you know Jimmy Arledge?

16 A Yes sir.

17 Q Does he live in Lauderdale County?

18 A Yes sir.

19 Q How long have you been knowing Jimmy Arledge?

20 A About eight years.

21 Q Is he a close friend of yours?

22 A Yes sir.

23 Q Do you know his reputation in Lauderdale County,
24 Mississippi, Meridian, Mississippi, for law abiding,
25 peace or violence?

Q What is it?

A Its good.

CROSS EXAMINATION

BY MR. DOAR:

Q Is it Paul Grice. G R I C E?

A Yes sir, that's right.

Q Are you a member of any organization with Himmy
Ariedge?

A No sir.

Q Are you a member of the White Knights of the Ku
Klux Klan?

A No sir.

Q Have you ever been a member of the White Knights?

A No sir.

Q Do you know Wallace Miller?

A Well, I know him as a policeman, I don't know him
personally.

Q Do you know Frank Herndon?

A Not personally.

Q Do you know Pete Harris?

A No sir, I don't believe.

Q Billy Joe Harris?

A No sir.

Q Joseph Earl Currie?

A No sir.

1 Q Billy Birdsong?

2 A No sir.

3 Q Curt Robinson?

4 A No sir.

5 Q Lester Price?

6 A Yes sir, I know Mr. Price.

7 Q Where does he live?

8 A Philadelphia.

9 Q Philadelphia, Mississippi?

10 A Right.

11 Q Do you have friends up in Philadelphia?

12 A Yes sir.

13 Q Do you know the Sheriff?

14 A Not personally.

15 Q Did you use to live up in Philadelphia?

16 A I was raised in Neshoba County.

17 Q How old are you?

18 A Twenty-seven.

19 Q Do you know Billy Wayne Posey?

20 A No sir, I don't.

21 Q Do you know Sharpe? The defendant, Sharpe?

22 A Yes sir.

23 Q Look around you at the people sitting here behind
24 Counsel table and tell me which ones of them that
25 you know?

1 A I don't know any of them personally.

2 Q But you say you were raised in Neshoba County,
3 don't you know Sharpe?

4 A You said at the Counsel table, were you talking
5 about the lawyers?

6 Q No, I was talking about these people that are
7 sitting along the rail here.

8 A I know some of them.

9 Q Would you tell us who you know?

10 BY MR. WATKINS:

11 Your Honor, we would respectfully object to that, it
12 has nothing to do with the proper examination of this
13 character witness of Jimmy Arledge.

14 BY THE COURT:

15 I don't know what it has to do with it, but I'll
16 overrule your objection, go along. He's on cross
17 examination.

18 BY MR. DOAR:

19 Q Do you, would you tell us if you know Mr. Sharpe,
20 could you identify him for the Court and jury?

21 A Yes sir, I know Mr. Sharpe.

22 Q Where is he sitting?

23 A Over there about middle ways.

24 Q At the end?

25 A Well, he's sitting about middle ways, right there.

1 Q How many from the end?

2 A Which end?

3 Q This end over there or over here rather.

4 A Four.

5 Q Now, when did you move from Philadelphia?

6 A In 1959.

7 Q Do you know Delmar Dennis?

8 A No sir.

9 Q Dick Watkins?

10 A No sir.

11 Q I would like to ask you again. Have you ever been
12 a member of the White Knights of the Ku Klux Klan?

13 BY MR. BUCKLEY:

14 Ypur Honor, I object. He's asked this witness that
15 question three times.

16 BY THE COURT:

17 Yes, he's answered that, go along.

18 BY MR. DOAR:

19 Q How long have you known Jimmy Arledge?

20 A Eight years.

21 Q Do you live near by him?

22 A No sir.

23 Q How often do you see him?

24 A Well, we are real good friends, I see him oh two
25 or three times a month.

1 Q Do you visit in each others homes?

2 A Yes sir.

3 Q Have you dissussed his reputation with anyone
4 in the City of Meridian?

5 A Well, yes sir.

6 Q Who?

7 A Well, I've talked with men in the plant about him.

8 Q What plant?

9 A Magnolia Steel.

10 Q Do you work out there?

11 A No sir.

12 Q How do the men out at Magnolia Steel happened to
13 know him?

14 A He has worked out there previously.

15 Q How long has it been since he ceased working out
16 there?

17 A Oh, its been about two years, or two and a half
18 years.

19 Q And when did you talk with the men at Magnolia
20 Steel about his reputation?

21 A Well, we all knew Jimmy. I didn't just necessarily
22 sit down and talk to them about his reputation,
23 we just talked.

24 Q Where does he work now?

25 A Oh, he's working with Bates Steel Company.

1 Q Is that plant where he works near the steel
2 company where you work?

3 A No sir.

4 Q Different part of town?

5 A Right.

6 Q How far apart?

7 A Oh, about five or six miles.

8 Q About how far do you live from him?

9 A About three.

10 Q What are the circumstances when you see him,
11 how many times a month, you say?

12 A Oh, two or three times a month.

13 Q Do you bowl with him, you don't work with him?

14 A No sir, I don't work with him.

15 Q Well, how do you happen to see him?

16 A Well, we are good friends, he comes over to my
17 house and I go over to his house.

18 Q Thank you.

19 (Whereupon witness excused)

20 WAYLAND MCMULLAN, called as a witness for and on
21 behalf of Defendants, was sworn and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. GOLDMAN:

24 Q State your name please?

25 A Wayland McMullan.

1 Q Where do you live, Mr. McMullan?

2 A 5214 6th Avenue.

3 Q What city?

4 A Meridian, Mississippi.

5 Q Do you work?

6 A I work for Mississippi Freight Lines.

7 Q Is that in Meridian?

8 A Right.

9 Q Do you know Alton Wayne Roberts?

10 A Yes sir.

11 Q How long have you known him?

12 A About twenty years.

13 Q I direct your attention to the evening of June
14 21st, 1964 and ask you if you recall seeing Mr.
15 Roberts at that time?

16 A Yes sir.

17 Q Would you tell the Court and the jury the cir-
18 cumstances surrounding your seeing Mr. Roberts at
19 that time?

20 A Well, I went by there about 7:30 I believe.

21 Q By where now?

22 A By his house. He lived over there on the south
23 side over there, so I went by his house, me and
24 my wife and a couple that had come in from Texas
25 that were friends of ours, and we decided we would